



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
COMCAST OF SOUTH JERSEY, LLC FOR A)
CERTIFICATE OF APPROVAL TO CONTINUE)
TO CONSTRUCT, OPERATE AND MAINTAIN)
A CABLE TELEVISION SYSTEM IN AND FOR)
THE TOWN OF HAMMONTON, COUNTY OF)
ATLANTIC, STATE OF NEW JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE04060457

SERVICE LIST ATTACHED

BY THE BOARD:

On December 17, 1981, the Board granted Garden State TV Cable Corporation ("Garden State") a Certificate of Approval in Docket No. 8011C-6734 for the construction, operation and maintenance of a cable television system in the Town of Hammonton ("Town"). Garden State was a subsidiary of Teleprompter Corporation ("Teleprompter") and during the pendency of the initial Certificate of Approval process for the Town, on June 3, 1981, in Docket No. 814C-6777; the Board approved the merger of Teleprompter with and into Group W Cable Inc. ("Group W"). However, Garden State, as the Petitioner, was issued the Certificate in the name of Garden State. On December 30, 1982, in Docket No. 8211C-6951, the Board approved the transfer of the Certificate of Approval from Group W Cable, Inc. to Cablentertainment of New Jersey-V ("Cablentertainment"). The transfer encompassed several cable television systems, including the system serving the Town. On December 18, 1986, the Board approved the transfer of the Certificate of Approval from Cablentertainment to Sammons Communications of New Jersey, Inc. ("Sammons") in Docket No. CM86101185. On January 26, 1993, the Board issued a Renewal Certificate of Approval to Sammons in Docket No. CE91101641.

On February 28, 1996, in Docket No. CM95080358, the Board approved the transfer of the Certificate of Approval from Sammons to Lenfest Atlantic, Inc. ("Lenfest"). On January 18, 2000, in Docket No. CM99110855, the Board approved Lenfest's acquisition as becoming a wholly-owned indirect subsidiary of Comcast Corporation. On September 13, 2000, Lenfest's name was officially changed to Comcast Cablevision of South Jersey, Inc. ("Comcast SJ"). On January 24, 2003, Comcast SJ informed the Board it would be known as Comcast of South Jersey, Inc. On September 9, 2003, Comcast SJ informed the Board it would now be known as Comcast of South Jersey, LLC ("Petitioner"). Although the Petitioner's above referenced

Certificate expired on January 26, 2003, Petitioner is authorized to continue to provide cable television service to the Town pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Town on April 22, 2002, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Town, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner on May 24, 2004. The Petitioner formally accepted the terms and conditions of the ordinance on June 7, 2004, in accordance with N.J.S.A. 48:5A-24.

On June 18, 2004, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Town. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

- 1) The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval.
- 2) The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
- 3) The Petitioner has represented that all previously required construction within the franchise territory is complete.
- 4) The franchise period as stated in the ordinance is 15 years with an automatic renewal provision for a term of ten years thereafter pursuant to N.J.S.A. 48:5A-19 and -25. The Office of Cable Television finds these periods to be of reasonable duration.
- 5) The Town has reserved the right to review the Petitioner's performance with regard to the ordinance. In the event that the Town shall find that the Petitioner has not substantially complied with the material terms and conditions of the ordinance, the Town shall have the right to petition the Board for appropriate administrative action, pursuant to N.J.S.A. 48:5A-47, provided however, that the Town shall first have given the Petitioner written notice of all alleged instances of non-compliance and an opportunity to cure same within 90 days of that notification. If, after such reasonable notice and opportunity to cure, the Petitioner has not cured any such findings of non-compliance, the Town may petition the Board for appropriate administrative action including modification and/or termination of the Certificate of Approval.
- 6) The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 35.
- 7) The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
- 8) Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Town. In this case, it is the Office of

Cable Television. All complaints shall be received and processed in accordance with any applicable rules.

- 9) The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The Petitioner currently maintains a local office located at 301 N. Main Street in Vineland, New Jersey as well as several other locations within the system.
- 10) The franchise fee to be paid to the Town is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Town. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
- 11) The Petitioner shall provide public, educational, and governmental ("PEG") access equipment and facilities as described in the application and the ordinance. The Petitioner currently provides one system-wide channel for local origination programming and one dedicated governmental access channel for the use by governmental and educational access entities for the purpose of cablecasting non-commercial programming. The Petitioner has the capability to carry $\frac{3}{4}$ " U-matic and $\frac{1}{2}$ " VHS format video tapes. The Petitioner shall allow the Town use of an additional access channel on/or after the fifth anniversary of the adoption of ordinance, but only when the existing PEG access channel reaches the programming saturation levels as described in the Town's ordinance.
- 12) The Petitioner shall provide the Town with a dedicated fiber optic return line for the purpose of cablecasting live and/or recorded programming on the governmental access channel in the new municipal building when it is constructed. The Town will advise the Petitioner in writing of the location for the dedicated return line, and the Petitioner will install the line within 120 days of that notification, subject to the building's construction progress making such installation possible. The Petitioner shall provide and maintain the cable, modulators and equipment necessary for the Town's PEG access channel to send and receive a signal from the municipal building. However, the Petitioner shall not be responsible for the maintenance of any studio equipment used for the Town's access channel.
- 13) Within six months of the receipt of this Certificate, the Petitioner shall provide the Town with a one-time grant of \$30,000.00 for any technology related purpose the Town deems appropriate. Upon satisfaction completion, the Petitioner shall submit proof to the Office of Cable Television indicating its compliance with the above provision.
- 14) The Petitioner shall provide Preferred Basic cable television service, on one outlet, free of charge, to each school in the Town, public and private, elementary, intermediate and secondary, provided the school is located within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a material plus labor basis by the school requesting service. The Petitioner shall waive monthly service charges for any additional outlets.
- 15) The Petitioner shall provide Preferred Basic cable television service or its equivalent, on one outlet, free of charge, to each of the following municipal buildings: a) police; b) fire

station; c) emergency management facility; and d) public library in the Town, provided each the facility is located within 175 feet of active cable distribution plant. The Town shall pay for each additional outlet to any of the above facilities; however, the Petitioner shall waive monthly service charges for additional outlets.

16) The Petitioner shall provide free basic Internet service via high-speed cable modem on one non-networked personal computer in each qualified existing and future school in the Town, public or private, elementary, intermediate or secondary at no charge, provided the facility is within 175 feet of active cable distribution plant. The Internet service shall be installed on a personal computer that is accessible to the students and shall not be used for administrative purposes only.

17) The Petitioner shall provide free basic Internet service via high-speed cable modem on one non-networked personal computer in to each of the following in the Town, each qualified existing and future public library, as well as the public works building; at no charge, provided each the facility is within 175 feet of active cable distribution plant. For the public library, the Internet service shall be installed on a personal computer that is accessible to the library patrons and shall not be used for administrative purposes only.

18) The Petitioner shall provide the equivalent of residential level high-speed Internet service to the following municipal properties: a) each of the two firehouses; b) the sewer department; c) the highway department; d) the Hammonton Lake Annex Building; and e) the water department, provided that each the facility is within 175 feet of active cable distribution plant.

Based upon these findings, the Board **HEREBY CONCLUDES** that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready to comply with all applicable rules and regulations imposed by or pursuant to State and federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Town.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq. including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

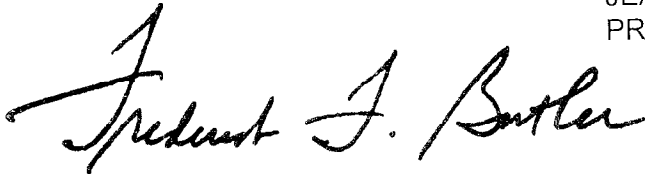
This Certificate shall expire January 26, 2018.

DATED: 1/13/05

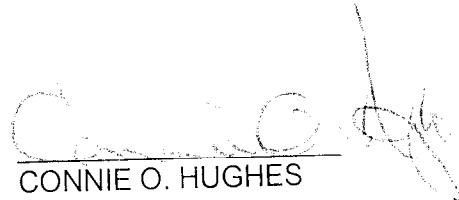
BOARD OF PUBLIC UTILITIES
BY:



JEANNE M. FOX
PRESIDENT



FREDERICK F. BUTLER
COMMISSIONER

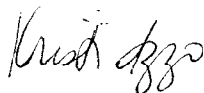


CONNIE O. HUGHES
COMMISSIONER



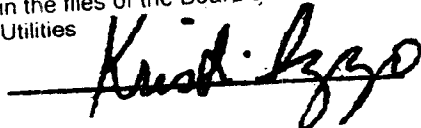
JACK ALTER
COMMISSIONER

ATTEST:



KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



APPENDIX "I"

Office of Cable Television Line Extension Policy

Company Comcast of South Jersey, LLC
Municipality Town of Hammonton

A cable operator is required to absorb the cost of extensions to the system in the same proportion that the extension is to the remainder of the system.

Actual subscribers served by the extension are required to absorb the remainder of the cost.

If new subscribers are added to the extension the cost is adjusted and those who previously paid receive an appropriate rebate.

1. $\frac{\text{\# of homes in extension}}{\text{mileage of extension}}$ = homes per mile (HPM) of extension
2. $\frac{\text{HPM of extension}}{\text{Minimum HPM that company actually constructs in the system}^*}$ = ratio of the density of the extension to the minimum density which the company constructs in the system ("A")
3. Total cost of building the extension times "A" = company's share of extension cost
4. Total cost of building extension less company's share of extension cost = total amount to be recovered from subscribers
5. $\frac{\text{Total amount to be recovered from subs}}{\text{Total subscribers in extension}}$ = each subscriber's share

In any case, the company shall extend its plant along public rights of way to:

1. All residences and businesses within 150 aerial feet of the operator's existing plant at no cost beyond the normal installation rate.
2. All residences and businesses within 100 underground feet of the operator's plant at no cost beyond the normal installation rate.

* The minimum HPM that the company actually constructs in the system or municipality is the minimum number of homes which the company has historically constructed at its own cost. This is a function of the operator's break even point and its rate of return. Unbuilt systems will use the primary service area rather than construction.

The operator's installation policies shall apply to construction beyond the public right of way.

Detailed accounting and/or financial information to support the minimum HPM shall be supplied to the Office for its approval in such form as required. The minimum HPM shall be updated as appropriate.

When a request for service is received, and unless good cause is shown, cable companies shall:

1. Provide a written estimate within 30 days of such a request.
2. Begin construction within 60 days of receipt of any deposit monies from potential subscribers.
3. Complete construction within six months of receipt of any deposit monies from potential subscribers.
4. Inform each home passed along the extension of the potential costs for subscribers.

Subscribers who pay for an extension shall be entitled to rebates in the following manner:

1. If the company acquires new subscribers subsequent to the initial calculation of step 5 above, the formula will be adjusted and those who have previously paid for the extension will be entitled to an appropriate rebate. In no event shall the amount of the rebate exceed the subscriber's contribution.
2. The company shall keep accurate records of the cost of the extension, the amounts paid by subscribers and any appropriate adjustments.
3. The company shall notify subscribers in the extension of their rights and responsibilities concerning the extension.
4. Once an individual dwelling has paid its share of the extension cost future reconnections or installations shall be made at the company's standard rates.
5. After a period of five years from the installation of the first dwelling unit in the extension no further adjustments shall be made. Installations after five years shall be at the company's standard rate.
6. Once a subscriber is installed, that person shall not normally be entitled to a refund of any monies paid for the installations, except in accordance with the rebate procedure outlined in this policy.

Definitions

Primary Service Area

The Primary Service Area (PSA) can be an entire municipality but in many instances, the PSA is a limited area within a community outside of which a line extension policy may apply. The PSA is depicted by a franchise map and narrative, presented and recorded during the franchise proceedings. It normally remains a fixed geographic area throughout the life of the franchise.

Line Extension Survey

Potential subscribers residing outside the PSA who request service are entitled to an estimate of their share of the cost to secure service. When conducting a survey and estimating costs, a cable company should factor-in all potential subscribers who could practicably be included in the extension and give consideration to apparent residential construction in areas contiguous to the proposed extension.

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